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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,471	02/23/2004	Artoun Ramian	6500-018	1801
7590	11/01/2006		EXAMINER	
Law Office of William B. Ritchie 43 Jackson Street Concord, NH 03301			SHERMAN, STEPHEN G	
			ART UNIT	PAPER NUMBER
			2629	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/784,471	RAMIAN, ARTOUN	
	Examiner Stephen G. Sherman	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 February 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: Claim 1 states at line 7: "...together with one another **so** produce pixels..." which should be changed to: "...together with one another **to** produce pixels..." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama et al. (US 2003/0080923).

***Regarding claim 1***, Suyama et al. disclose a three dimensional display apparatus comprising:

a view point having a plurality of pre-set positions, said view point controllable by a user (Figure 28A and paragraph [0324] explain that the three dimensional apparatus has a plurality of pre-set positions in which the view point is controllable by the user based on where the user moves.);

at least two stacked display layers (Figure 26B and paragraphs [0315] and [0317].), wherein each layer is capable of being on or off and can vary in intensity, such that each layer can be bound close together with one another to produce pixels wherein the pixels form a scene which is spread among said at least two stacked display layers to produce a three-dimensional affect (Paragraph [0317] explains that the brightness change device 1104 changes the brightness of the displays 1106-1110 to present a three-dimensional image.).

This embodiment taught by Suyama et al. fails to teach wherein each layer has a different color, however, the description for embodiment 1 explains in paragraph [0203] that the different planes have different colors that are mixed to display the image.

Therefore it would have been obvious to "one of ordinary skill" in the art at the time the invention was made to use the different layers having different colors as taught in the first embodiment with the three dimensional display taught by embodiment seven

taught by Suyama et al. in order to provide for the matching of a background image with the object.

***Regarding claim 2***, Suyama et al. disclose the three dimensional display apparatus of claim 1, wherein said at least two stacked display layers are transparent organic light emitting devices (Paragraph [0146] explains that the displays could be LED displays, and the displays would be transparent or else you would not be able to see through to the rear displays.).

***Regarding claim 3***, Suyama et al. disclose the three dimensional display apparatus of claim 1, wherein each stacked display layer has at least one color wherein each at least one color is a color selected from the group consisting of cyan, magenta, yellow, black, red, green and blue (Paragraph [0203] explains that one display is blue and another display layer is red.).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perlin (US 6,061,084) discloses a display comprising a sensor for identifying where N different eyes of V viewers are in space, and then N different images are

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displayed for N different eyes where each image is a function of where each eye is in space to which the respective image is associated.

**Bell et al.** (US 2005/0206582) discloses a method of displaying an image with variable perceived depth using a display including one or more at least partially transparent, substantially parallel imaging screens located in front of and overlapping with a rear imaging screen.

**Battersby** (US 6,069,650) discloses an auto stereoscopic display apparatus comprises a display device for example a matrix LC display panel, for producing a display output consisting of rows and columns of pixels and lenticular means at the output side of the display device comprising an array of lenticular elements through which different groups of pixels, forming one or more stereoscopic pairs, as seen by respective eyes of a viewer.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen G. Sherman whose telephone number is (571) 272-2941. The examiner can normally be reached on M-F, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SS

23 October 2006

AMR A. AWAD  
SUPERVISORY PATENT EXAMINER

